

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|---------------------------|---|------------------------------------|
| DIANA L. JORDAN, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 05 - 1331 |
| |) | |
| v. |) | Judge Joy Flowers Conti |
| |) | Magistrate Judge Lisa Pupo Lenihan |
| MEL BLOUNT YOUTH HOME OF |) | |
| PENNSYLVANIA, MEL BLOUNT, |) | |
| TIANDA BLOUNT, and CAROL |) | |
| LOCKETT, |) | |
| |) | |
| Defendants. |) | |

ORDER

The above captioned case was filed on September 23, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation (Doc. No. 15), filed on April 4, 2006, recommended that Defendants' Motion to Dismiss (Doc. No. 11) be granted as to (a) Plaintiff's request for punitive damages under the Pennsylvania Whistleblower Law, 43 Pa.C.S.A. § 1421, and (b) Plaintiffs claims against the individual Defendants contained in Count III which, to the extent they state a valid claim, are redundant. It also recommended that the motion be denied in all other respects. Counsel of record were served with the Report and Recommendation and were advised they had ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the

following order is entered:

AND NOW, this 26th day of May, 2006;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED** as to Plaintiff's request for punitive damages under the Pennsylvania Whistleblower Law, 43 Pa.C.S.A. § 1421.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. No. 11) is **GRANTED** as to Plaintiffs claims against the individual Defendants contained in Count III.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. No. 11) is **DENIED** in all other respects.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 15) of Magistrate Judge Lenihan, dated April 4, 2006, is adopted as the opinion of the court.

Dated: May 26, 2006

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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